

United States District Court

NOV 16 2016

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Grecia Marly Barrera

Principal

Case Number:

YOB: 1996

USC

Jose Adonis Rodriguez

Co-Principal

M-16-2134-M

YOB: 1995

USC

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 14, 2016 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Oscar Osiris Castillo-Ayala and Everth Mauricio Argueta, citizens and nationals of El Salvador, who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location in Roma, Texas to the point of arrest in Roma, Texas.

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

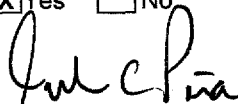
On November 14, 2016, subsequent to a sensor activation, Aerostat 5 (A5) began scanning near the intersection of Water Street and Zaragoza Avenue in Roma, Texas. The A5 operator observed a four door sedan traveling north, away from the area, on Zaragoza Avenue with the headlights off. While maintaining visual of the vehicle, the A5 operator advised Border Patrol Agents of the vehicle's direction of travel. Border Patrol Agent J. Polito located the vehicle and began driving behind the vehicle. A5 confirmed that the vehicle Agent Polito was behind was the same vehicle seen departing the area near the sensor activation. Agent Polito activated his emergency lights and the vehicle pulled over to the side of the road, coming to a stop near the intersection of N Ozarka Street and E Matamoros Avenue.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved by D. Paxton AUSA

Signature of Complainant

Julio C. Pena Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

November 16, 2016

Date

at McAllen, Texas

City and State

Peter E. Ormsby, U. S. Magistrate Judge

Name and Title of Judicial Officer



Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-2134-M

**RE: Grecia Marly Barrera
 Jose Adonis Rodriguez**

CONTINUATION:

Agent Polito approached the vehicle, identified himself as a Border Patrol Agent and asked the driver to turn off the engine and place the keys on the dashboard. Agent Polito identified the driver as Grecia Marly BARRERA, and the front seat passenger as Jose Adonis RODRIGUEZ, both United States Citizens. Agent Polito then questioned the two back seat passengers as to their citizenship, to which both admitted to being illegally present in the United States.

BARRERA, RODRIGUEZ and the two illegal aliens were placed under arrest and transported to the Rio Grande City Border Patrol Station for processing.

Principal Statement 1:

Grecia Marly BARRERA was advised of her Miranda Rights, stated she understood her rights and declined to answer questions without the presence of an attorney.

Principal Statement 2:

Jose Adonis RODRIGUEZ was advised of his Miranda Rights, stated he understood his rights and agreed to answer questions without the presence of an attorney.

Jose Adonis RODRIGUEZ stated the 2006 black Chrysler 300 belonged to him. RODRIGUEZ claimed he was just in the car when he was arrested. RODRIGUEZ stated he did not know who was driving his car and refused to answer any further questions.

Material Witness Statements:

Oscar Osiris CASTILLO-Ayala and Everth Mauricio ARGUETA, citizens and nationals of El Salvador, were advised of their Miranda Rights, Stated they understood their rights and agreed to answer questions without the presence of an attorney.

Material Witness 1:

Oscar Osiris CASTILLO-Ayala claimed his family made his smuggling arrangements and he believed they were going to pay 4,000.00 USD to have him smuggled into the United States. CASTILLO and another person crossed the river on a raft with the assistance of a guide. CASTILLO stated they walked until they reached a road where they waited until a black car arrived. CASTILLO claimed the male passenger in the black car told them to get in and that he was the one that was going to help them. CASTILLO stated he sat in the back seat behind the male passenger and the driver of the black car was a female. Castillo claimed that after no longer than ten minutes the vehicle was stopped by law enforcement.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

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M-16-2134-M

**RE: Grecia Marly Barrera
 Jose Adonis Rodriguez**

CONTINUATION:

CASTILLO identified Grecia Marly BARRERA as the driver of the vehicle he was being transported in.

CASTILLO identified Jose Adonis RODRIGUEZ as the passenger in the vehicle he was transported in.

Material Witness 2:

Everth Mauricio ARGUETA claimed his mother made his smuggling arrangements and he believes she was going to pay 10,000.00 USD to have him smuggled into the United States. ARGUETA crossed the river on a raft with one other person and with the assistance of a guide. ARGUETA stated the guide instructed them to walk up a berm and hide. ARGUETA claimed the other person he was with received a phone call from someone stating the vehicle had arrived for them. ARGUETA stated he knew to enter the vehicle because it was the only vehicle there and it had just arrived. ARGUETA stated he sat behind the female driver and the male passenger instructed them to duck. ARGUETA claimed that the driver drove for approximately five minutes before being stopped by law enforcement.

ARGUETA identified Grecia Marly BARRERA as the driver of the vehicle he was being transported in.

ARGUETA identified Jose Adonis RODRIGUEZ as the passenger in the vehicle he was transported in.